



United States Attorney
Southern District of New York

86 Chambers Street
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April 2, 2025

VIA ECF

The Honorable J. Paul Oetken
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

Re: *Widakuswara, et al. v. Lake, et al.*,
25 Civ. 2390 (JPO)

Dear Judge Oetken:

On behalf of defendants U.S. Agency for Global Media (“USAGM”), Kari Lake, in her official capacity as Senior Advisor to the Acting CEO of USAGM, and Victor Morales, in his official capacity as Acting CEO of USAGM (collectively, the “Government” or “Defendants”), we write respectfully to supplement the Government’s March 26, 2025 motion to transfer this case to the U.S. District Court for the District of Columbia (the “DDC”) (ECF No. 35), by informing the Court of the following two additional actions recently filed in the DDC that are similar to the instant case.

1. *Radio Free Asia v. United States, et al.*, 25 Civ. 907 (DDC)

On March 27, 2025, plaintiff Radio Free Asia (“RFA”), a private grantee operating under USAGM grants, filed a complaint against defendants Lake, Morales, USAGM, the United States of America, the Office of Management of Budget (“OMB”), and Russell Vought, in his official capacity as Director of OMB. *See generally* Complaint, *Radio Free Asia v. United States, et al.*, 25 Civ. 907 (D.D.C.), ECF No. 1. Like the other three DDC cases cited in the Government’s transfer motion, this fourth case was assigned to District Judge Royce Lamberth. The *RFA* complaint alleges that defendants’ withholding of plaintiff’s congressionally-appropriated funding: is both arbitrary and capricious and contrary to law under Section 706(2) of the APA; constitutes an unlawfully withheld or unreasonably delayed action under Section 706(1) of the APA; violates the Separations of Powers, the Take Care Clause, the Appropriations Clause, the Spending Clause, and the Presentment Clause of the Constitution; seeks relief under the Mandamus Act and the All Writs Act; and alleges that defendants’ acts were *ultra vires*. *Id.* On March 28, 2025, plaintiff also filed a motion for a temporary restraining order, *id.* at ECF No. 12. The DDC has not yet set a briefing schedule for that motion.

2. *Middle East Broadcasting Networks, Inc. v. United States, et al.*, 25 Civ. 966 (D.D.C.)

On April 1, 2025, plaintiff Middle East Broadcasting Networks, Inc. (“MBN”), another private grantee operating under USAGM grants, filed a complaint against defendants Lake, Morales, USAGM, the United States of America, OMB, Russell Vought, the United States

Department of Treasury, and Scott Bessent, in his official capacity as Secretary of the Treasury. *See generally* Complaint, *Middle East Broadcasting Networks, Inc. v. United States*, et al., 25 Civ. 966 (D.D.C.), ECF No. 1. This fifth case in DDC is also assigned to Judge Lamberth. Like the other cases, the *MBN* complaint alleges that defendants' withholding of plaintiff's congressionally-appropriated funding: is both arbitrary and capricious and contrary to law under Section 706(2) of the APA; constitutes an unlawfully withheld or unreasonably delayed action under Section 706(1) of the APA; violates the Separations of Powers, the Take Care Clause, the Appropriations Clause, the Spending Clause, and the Presentment Clause of the Constitution; sought relief under the Mandamus Act and the All Writs Act; and alleges that defendants' acts were *ultra vires*. *Id.*

Accordingly, as there are now five lawsuits against the same defendants challenging the same core USAGM actions pending in the DDC, the Court should transfer this action to the DDC for the reasons set forth in the Government's motion.

We thank the Court for its consideration of this letter.

Respectfully submitted,

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cc: All Counsel of Record (via ECF)